

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

| | | |
|--------------------|---|-----------------------------|
| TANA R. CUMMINS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 02-cv-4201-JPG-PMF |
| |) | |
| STATE OF ILLINOIS, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion for Final Approval of Class Settlement (Doc. 222). For the following reasons, the Court **GRANTS** said motion.

Plaintiff, as class representative for female employees of Defendant from August 31, 2000 to June 30, 2004, alleges damages because Defendant's health plans excluded prescription contraceptive coverage during that time in violation of Title VII of the Civil Rights Act of 1964 for sex discrimination. The Court certified this case as a class action, including appointing Plaintiff class representative and class counsel, on September 27, 2004. The parties filed cross-motions for summary judgment on liability, the Court granted Defendant's motion for summary judgment on August 30, 2005, and the Clerk of the Court entered judgment in favor of Defendant thereon. While on appeal before the Seventh Circuit Court of Appeals, the parties engaged in court-assisted mediation and reached a settlement agreement. The parties jointly moved for preliminary approval of class settlement, which the Court granted on November 15, 2010. The Court ordered

class notice be sent, which was thereafter sent by Plaintiff's counsel and reported to Court.

After reviewing the instant motion, reviewing all exhibits and relevant documents thereto, and hearing this matter in court on July 21, 2011, IT IS HEREBY ORDERED as follows:

Findings Regarding Settlement: The Court finds that:

- A. The settlement resulted from extensive arm's-length negotiations;
- B. The settlement agreement was executed only after extensive litigation between the parties, a final order by the Court, an appeal to the Seventh Circuit Court of Appeals, and long settlement negotiations with a court-provided mediator;
- C. The settlement agreement is fair, reasonable and adequate;
- D. The notice, publication notice and notice methodology was performed fairly as directed by the Court in its November 15, 2010, order; and
- E. The Court has considered the objections filed by Objectors to this settlement.

The Court hereby overrules said objections.

Settlement is Approved: The settlement in this case as set forth in the settlement agreement between the parties is hereby approved.

Payment of Settlement Consideration to Claimants: The sums specified in the settlement agreement can be paid to the class members who returned claim forms as follows:

DURATION OF CLAIMED DAMAGES

MONEY RECEIVED FROM

C L A S S

SETTLEMENT

| | |
|---|----------|
| 6 months or less | \$ 40.00 |
| More than 6 months and up to 12 months | \$ 70.00 |
| More than 12 months and up to 18 months | \$100.00 |
| More than 18 months and up to 23 months | \$130.00 |
| More than 23 months and up to 36 months | \$180.00 |
| More than 36 months of claimed damage | \$240.00 |

Defendant will report to the Court and class counsel when these monies are paid and will report to class counsel only the identity and amounts paid. Class counsel will advise the Court if satisfied of compliance with these payment requirements.

Payment of Attorneys' Fees and Expenses: The Court approves Plaintiff's motion for attorneys' fees and costs and orders payment by Defendant to Plaintiff's counsel of \$100,000 for same, namely \$58,372 in expenses and \$41,628 in fees. As such, the Court **GRANTS** Plaintiff's Motion for Attorneys' Fees (Doc. 223).

IT IS SO ORDERED.

Dated: July 21, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE